

**UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS**

PAUL J. McNALLY, as he is TRUSTEE,
MASSACHUSETTS LABORERS' HEALTH AND
WELFARE FUND and NEW ENGLAND LABORERS'
TRAINING TRUST FUND; JAMES MERLONI, JR.,
as he is TRUSTEE, MASSACHUSETTS LABORERS'
PENSION FUND and MASSACHUSETTS LEGAL
SERVICES FUND; MARTIN F. WALSH, as he is
TRUSTEE, MASSACHUSETTS LABORERS'
ANNUITY FUND,

Plaintiffs

vs.

G. CONWAY, INC.,

Defendant

and

BOWDOIN CONSTRUCTION CORP.,

Reach-and-Apply Defendant

and

FLEET,

Trustee

C.A. No. 05-10072 MEL

**MOTION FOR ATTACHMENT OF
PERSONAL PROPERTY OF DEFENDANT**

Now come the Plaintiffs in the above-entitled matter and move this Court, pursuant to Rule 64, Fed.R.Civ.P., M.G.L. c. 223, and Rule 4.1, Mass.R.Civ.P., for an order to attach personal property of Defendant G. Conway, Inc. ("Conway"), to the value of \$65,178.42, representing fringe benefit contributions owed plus estimated prejudgment interest, statutory liquidated damages, attorneys' fees, and costs.

In support thereof, Plaintiffs state they are reasonably likely to recover judgment in an amount equal to or greater than the amount of the attachment over and above any liability insurance shown by Conway to be available to satisfy the judgment. In support of this Motion, plaintiffs rely on a Memorandum of Law submitted herewith and the Affidavits of Philip Mackay and Anne R. Sills, and other pleadings on file in this case.

Respectfully submitted,

PAUL J. McNALLY, as he is
TRUSTEE, MASSACHUSETTS
LABORERS' HEALTH AND WELFARE
FUND, et al,

By their attorneys,

/s/ Gregory A. Geiman
Anne R. Sills, Esquire
BBO #546576
Gregory A. Geiman, Esquire
BBO #655207
Segal, Roitman & Coleman
11 Beacon Street
Suite #500
Boston, MA 02108
(617) 742-0208

Dated: October 28, 2005

LOCAL RULE 7.1(A)(2) CERTIFICATION

Counsel hereby certifies, in accordance with Rule 7.1(A)(2), that prior to filing Plaintiffs' Motion for Attachment of Personal Property in this matter he corresponded with G. Conway, Inc.'s attorney in a good faith effort to resolve or narrow the issues, but that he did not receive a response.

/s/ Gregory A. Geiman
Gregory A. Geiman, Esquire

CERTIFICATE OF SERVICE

This is to certify that a copy of the above Plaintiffs' Motion for Attachment of Personal Property of Defendant has been served by first class mail upon Defendant G. Conway, Inc. by its attorney, Steven B. Rosenthal at 15 Broad Street, Boston, MA 02109 this 28th day of October, 2005.

/s/ Gregory A. Geiman
Gregory A. Geiman, Esquire